

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN DE LA TORRE,

Defendant.

8:17CR142

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#28). On November 28, 2017 Pretrial Services Officer Kayla Hayden submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

1. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

2. The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing before any change in address and telephone number.

The defendant shall:

- (a) Truthfully report to the United States Pretrial Services Agency as directed [telephone no. (402)661-7555] and comply with their directions.*

On October 15, 2017, Mr. De La Torre was cited for criminal trespassing, a misdemeanor, at The Hive Bar in downtown Omaha, Nebraska. On November 14, 2017, Mr. De La Torre pled guilty in Douglas County Court (#CRL 7-27618) and received a \$100 fine.

On November 13, 2017, when questioned about his residence, Mr. De La Torre advised he had moved from Fremont, Nebraska, to Omaha, Nebraska, approximately two months prior without advising pretrial services. In addition, on November 9, 2017, this officer learned that Mr. De La Torre had obtained new employment on October 20, 2017. He failed to report this change to pretrial services.

Mr. De La Torre has failed to report every other Tuesday, via telephone, as directed by pretrial services.

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on December 6, 2017. Karen M. Shanahan represented Defendant. Russell X. Mayer, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Kayla Hayden dated December 5, 2017. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#8) should remain in place.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release (#28) is granted;
2. The May 12, 2017 Order Setting Conditions of Release (#8) remains in place.

Dated this 6th day of December, 2017.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge